

## CHAPTERS 195 AND 579 – SB 491

195.017 / 579.060	Knowingly/recklessly fail to comply with requirements of Section 195.017.11 regarding dispense/sell/distribute ephedrine/pseudoephedrine without a prescription, failure of pharmacist/intern/registered pharmacy technician to implement and maintain electronic log, dispense/sell/purchase/receive/acquire quantities of ephedrine/pseudoephedrine greater than specified in Chapter 195, fail to locate ephedrine/pseudoephedrine products behind pharmacy counter	A misdemeanor	No change except moved to 579.060
195.130 / 579.105	Keeping or maintaining a public nuisance	C felony	E felony
195.202 / 579.015	Possession of controlled substance except 35 grams or less of marijuana / synthetic cannabinoid	C felony	E felony
195.202 / 579.015	Possession of up to 35 grams of marijuana / a synthetic cannabinoid	A misdemeanor	D misdemeanor unless 2 <sup>nd</sup> offense, then A misdemeanor
195.204 / 579.045	Fraudulently attempting to obtain controlled substance	D felony	E felony
579.055 / 569.040	Cause death as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine	A felony	No change to classification – moved to new section, slightly different crime
195.211 / 579.055	Manufacture/produce/attempt to manufacture/produce more than 5 grams marijuana or any controlled substance in residence with child or within 2000 (1000) feet of any school, college or school bus	A felony	B felony
195.211 / 579.055	Manufacture/produce or attempt to or possess with intent to produce a controlled substance	B felony	C felony
195.211 / 579.055	Manufacture not more than 5 (35) grams marijuana	C felony	E felony

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195.212 / 579.020	Distributing controlled substance to a minor (Controlled substances except 35 grams or less of marijuana/synthetic cannabinoid)	B felony	No change to classification, some changes to elements
195.212 / 579.020	Distributing controlled substance to a minor (35 grams or less of marijuana/synthetic cannabinoid)	B felony	C felony
195.211 / 579.020	Deliver controlled substance except 5 (35) grams or less of marijuana/synthetic cannabinoid	B felony	C felony
195.211 / 579.020	Deliver not more than 5 (35) grams marijuana	C felony	E felony
195.213	Purchasing or transporting controlled substance with minor	B felony	Repealed
195.214 / 579.030	Distributing controlled substance near schools	A felony	No change to classification – 1,000 ft instead of 2,000 and 35 grams marijuana/synthetic cannabinoids excluded
195.217 / 579.030	Distribute/deliver heroin/cocaine/cocaine base/LSD/amphetamine/ methamphetamine in or near park (all controlled substances except 35 grams marijuana/synthetic cannabinoid)	A felony	No change except list of drugs expanded
195.218 / 579.030	Distributing controlled substance near public housing or governmental assisted housing (excludes 35 grams marijuana/synthetic cannabinoid)	A felony	No change to classification –35 grams marijuana/synthetic cannabinoids excluded
195.219	Unlawful endangerment of property re: production or protection of controlled substance - serious physical injury	B felony	Repealed – see 579.070

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195.219	Unlawful endangerment of property re: production or protection of controlled substance - physical injury	C felony	Repealed – see 579.070
195.219	Unlawful endangerment of property re: production or protection of controlled substance	A felony	Repealed – see 579.070
195.222 / 579.065	Trafficking in drugs/attempt to traffic 1st degree/over statutory amount	A felony / no probation, parole	A felony
195.222 / 579.065	Trafficking in drugs/attempt to traffic 1st degree	A felony	B felony
195.222 / 579.065	Trafficking in drugs/attempt to traffic 1st degree - near schools/public housing/hotel	A felony / no probation, parole	A felony
195.222 / 579.065	Trafficking in drugs/attempt to traffic 1st degree - within a motor vehicle	A felony / no probation, parole	A felony
195.223 / 579.068	Trafficking in drugs/attempt to traffic 2nd degree – above statutory amounts	A felony	B felony
195.223 / 579.068	Trafficking in drugs/attempt to traffic 2nd degree/450 grams or more - ecstasy/methamphetamine/amphetamine	A felony / no probation, parole	A felony
195.223 / 579.068	Trafficking in drugs/attempt to traffic 2nd degree	B felony	New C felony
195.226 / 579.072	Provide reagents, solvents or precursor materials to another with intent of illegal production of controlled substance	D felony	E felony
195.233 / 579.074	Unlawful use of drug paraphernalia	A misdemeanor	D misdemeanor unless 2 <sup>nd</sup> offense, then A misdemeanor
195.233 / 579.074	Unlawful use of drug paraphernalia - amphetamine/methamphetamine	D felony	E felony
195.235 / 579.076	Manufacture with intent to deliver/sell drug paraphernalia (Deliver/sell, possess with intent to deliver/sell is now in 579.040)	D felony	A misdemeanor unless commercial purposes, then E felony
195.241 / 579.078	Possession of an imitation controlled substance	A misdemeanor	No change

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195.242 / 579.080	Delivery of imitation controlled substance (See 579.040 for manufacture)	D felony	E felony
195.244	Promoting sale of drug paraphernalia or imitation controlled substance	B misdemeanor	Not in the bill
195.246 / 579.110	Possess any methamphetamine precursor drug with intent to manufacture amphetamine, methamphetamine or any of their analogs	D felony	E felony
195.248 / 579.082	Market/sell/distribute/advertise/label any drug product containing ephedrine not approved pursuant to federal monographs	D felony	E felony
195.252 / 579.084	Distribute/dispense controlled substance or manufacture/distribute/dispense unauthorized controlled substance in violation of registration requirements	D felony	E felony
195.252 / 579.084	Failure to keep or furnish records on controlled substances	A misdemeanor	No change
195.254 / 579.086	Unlawful delivery of controlled substance by manufacturer or distributor	D felony	E felony
195.256	Unlawful use of trademark in manufacture or delivery of controlled substance	D felony	Repealed
195.417 / 579.060	Knowingly/recklessly sell/provide same person more than 9 grams drug product containing ephedrine/phenylpropanolamine/pseudoephedrine/etc., within a 30-day period	A misdemeanor	No change
195.417	Knowingly/recklessly purchase/receive/acquire more than 9 grams drug product containing ephedrine/phenylpropanolamine/pseudoephedrine/etc., within a 30-day period	A misdemeanor	Repealed
195.417	Within 24 hrs knowingly/recklessly purchase/receive/acquire more than 3 6/10 grams drug product containing ephedrine/phenylpropanolamine/ pseudoephedrine/etc	A misdemeanor	Repealed
195.417 / 579.060	Knowingly/recklessly sell drug containing ephedrine/ pseudoephedrine/etc., except by registered pharmacist/pharmacy technician from behind pharmacy counter	A misdemeanor	No change

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195.417 / 579.060	Pharmacist/intern/technician within 24 hours knowingly/recklessly sell/provide to same person more than 3 6/10 grams drug product containing ephedrine, phenylpropanolamine, pseudoephedrine, etc.	A misdemeanor	No change
195.417 / 579.060	Knowingly/recklessly fail to locate ephedrine/pseudoephedrine products behind pharmacy counter	A misdemeanor	No change
195.417 / 579.060	Fail to submit sales report of compound/mix/preparation as required by Department of Health and Senior Services regulations	A misdemeanor	No change
195.418 / 579.060	Violation of packing requirements	A misdemeanor	No change
195.420 / 579.110	Possess chemical with intent to manufacture, compound, convert, produce, process, prepare, test or alter chemical to create controlled substance/analogues in violation of Sections 195.005-195.425	C felony	E felony
195.515 / 579.115	Manufacturer/wholesaler fail to report suspicious transfer of methamphetamine precursor drugs to chief law enforcement official as required under Section 195.515	D felony	E felony
579.015 / 195.202	Possession of controlled substance except 35 grams or less of marijuana / synthetic cannabinoid	C felony	E felony
579.015 / 195.202	Possession of up to 35 grams of marijuana / a synthetic cannabinoid	A misdemeanor	D misdemeanor unless 2 <sup>nd</sup> offense, then A misdemeanor
579.020 / 195.212	Distributing controlled substance to a minor (Controlled substances except 35 grams or less of marijuana/synthetic cannabinoid)	B felony	No change to classification, some changes to elements
579.020 / 195.212	Distributing controlled substance to a minor (35 grams or less of marijuana/synthetic cannabinoid)	B felony	C felony
579.020 / 195.211	Deliver controlled substance except 5 (35) grams or less of marijuana/synthetic cannabinoid	B felony	C felony
579.020 / 195.211	Deliver not more than 5 (35) grams marijuana	C felony	E felony

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579.030 / 195.214	Distributing controlled substance near schools	A felony	No change to classification – 1,000 ft instead of 2,000 and 35 grams marijuana/synthetic cannabinoids excluded
579.030 / 195.217	Distribute/deliver heroin/cocaine/cocaine base/LSD/amphetamine/ methamphetamine in or near park (all controlled substances except 35 grams marijuana/synthetic cannabinoid)	A felony	No change except list of drugs expanded
579.030 / 195.218	Distributing controlled substance near public housing or governmental assisted housing (excludes 35 grams marijuana/synthetic cannabinoid)	A felony	No change to classification –35 grams marijuana/synthetic cannabinoids excluded
579.040 / 195.237	Deliver/sell, possess with intent to deliver/sell drug paraphernalia	D felony	A misdemeanor unless commercial purposes, then E felony
579.045 / 195.204	Fraudulently attempting to obtain controlled substance	D felony	E felony
579.050 / 195.242	Manufacture imitation controlled substance	D felony	E felony
579.055 / 569.040	Manufacture/produce/attempt to manufacture/produce controlled substance- causing serious physical injury or death / causing serious physical injury or death as a result of fire or explosion in an attempt to produce methamphetamine	A felony	No change except moved to new section
579.055 / 195.211	Manufacture/produce/attempt to manufacture/produce more than 5 grams marijuana or any controlled substance in residence with child or within 2000 (1000) feet of any school, college or school	A felony	B felony

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579.055 / 195.211	Manufacture/produce or attempt to or possess with intent to produce a controlled substance	B felony	C felony
579.055 / 195.211	Manufacture not more than 5 (35) grams marijuana	C felony	E felony
579.060 / 195.417	Knowingly/recklessly sell/provide same person more than 9 grams drug product containing ephedrine/phenylpropanolamine/pseudoephedrine/etc., within a 30-day period	A misdemeanor	No change
579.060 / 195.417	Knowingly/recklessly sell drug containing ephedrine/pseudoephedrine/etc., except by registered pharmacist/pharmacy technician from behind pharmacy counter	A misdemeanor	No change
579.060 / 195.417	Pharmacist/intern/technician within 24 hours knowingly/recklessly sell/provide to same person more than 3 6/10 grams drug product containing ephedrine, phenylpropanolamine, pseudoephedrine, etc.	A misdemeanor	No change
579.060 / 195.417	Knowingly/recklessly fail to locate ephedrine/pseudoephedrine products behind pharmacy counter	A misdemeanor	No change
579.060 / 195.417	Fail to submit sales report of compound/mix/preparation as required by Department of Health and Senior Services regulations	A misdemeanor	No change
579.060 / 195.418	Violation of packing requirements	A misdemeanor	No change
579.065 / 195.222	Trafficking in drugs/attempt to traffic 1st degree/over statutory amount	A felony / no probation, parole	A felony
579.065 / 195.222	Trafficking in drugs/attempt to traffic 1st degree	A felony	B felony
579.065 / 195.222	Trafficking in drugs/attempt to traffic 1st degree - near schools/public housing/hotel	A felony / no probation, parole	A felony
579.065 / 195.222	Trafficking in drugs/attempt to traffic 1st degree - within a motor vehicle	A felony / no probation, parole	A felony
579.068 / 195.223	Trafficking in drugs/attempt to traffic 2nd degree – above statutory amounts	A felony	B felony

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579.068 / 195.223	Trafficking in drugs/attempt to traffic 2nd degree/450 grams or more - ecstasy/methamphetamine/amphetamine	A felony / no probation, parole	A felony
579.068 / 195.223	Trafficking in drugs/attempt to traffic 2nd degree	B felony	New C felony
579.070 / 565.065	Unlawful endangerment of another in production of controlled substance	C felony	New C felony
579.072 / 195.226	Provide reagents, solvents or precursor materials to another with intent of illegal production of controlled substance	D felony	E felony
579.074/ 195.233	Unlawful use of drug paraphernalia	A misdemeanor	D misdemeanor unless 2 <sup>nd</sup> offense, then A misdemeanor
579.074/ 195.233	Unlawful use of drug paraphernalia - amphetamine/methamphetamine	D felony	E felony
579.076 / 195.235	Manufacture with intent to deliver/sell drug paraphernalia (Deliver/sell, possess with intent to deliver/sell is now in 579.040)	D felony	A misdemeanor unless commercial purposes, then E felony
579.078/ 195.241	Possession of an imitation controlled substance	A misdemeanor	No change
579.080/ 195.242	Delivery of imitation controlled substance (See 579.040 for manufacture)	D felony	E felony
579.082 / 195.248	Market/sell/distribute/advertise/label any drug product containing ephedrine not approved pursuant to federal monographs	D felony	E felony
579.082 / 195.248	Distribute/dispense controlled substance or manufacture/distribute/dispense unauthorized controlled substance in violation of registration requirements	D felony	E felony
579.084 / 195.252	Failure to keep or furnish records on controlled substances	A misdemeanor	No change
579.086 / 195.254	Unlawful delivery of controlled substance by manufacturer or distributor	D felony	E felony
579.090 /	Knowingly tamper with a prescription drug order	A felony	No change



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565.350			
579.095 / 578.154	Possession of anhydrous ammonia in a non-approved container	D felony	E felony
579.101 / 578.250	Intentionally inhale/smell the fumes or induce another to inhale/smell the fumes of any solvents - subsequent offense	D felony	E felony
579.101 / 578.250	Intentionally inhale/smell the fumes or induce another to inhale/smell the fumes of any solvents - 1st offense	B misdemeanor	No change
579.101 / 578.255	Possess or use an alcoholic beverage vaporizer - subsequent offense / Intentionally induce symptoms by use of solvents or possess solvents - subsequent offense	D felony	E felony
579.101 / 578.255	Possess or use an alcoholic beverage vaporizer - 1st offense / Intentionally induce symptoms by use of solvents or possess solvents - 1 <sup>st</sup> offense	B misdemeanor	No change
579.101 / 578.260	Intentionally possess or buy solvent to induce or aid another in violating Section 578.250 - 578.255 - subsequent offense	D felony	E felony
579.101 / 578.260	Intentionally possess or buy solvent to induce or aid another in violating Section 578.250 - 578.255 - 1st offense	B misdemeanor	No change
579.103 / 578.265	Knowingly and intentionally sell or transfer solvents to cause certain symptoms	C felony	D felony
579.105/ 195.130	Keeping or maintaining a public nuisance	C felony	E felony
195.420 / 579.110 (see also 195.246)	Possess chemical with intent to manufacture, compound, convert, produce, process, prepare, test or alter chemical to create controlled substance/analogue in violation of Sections 195.005-195.425	C felony	E felony
579.115 / 195.515	Manufacturer/wholesaler fail to report suspicious transfer of methamphetamine precursor drugs to chief law enforcement official as required under Section 195.515	D felony	E felony
579.150 / 577.625	Distribute prescription medicine by person less than 21 years of age on public/private school property or school bus - 2nd or subsequent offense	A misdemeanor	No change

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579.150 / 577.625	Distribute prescription medicine by person less than 21 years of age on public/private school property or school bus - 1st offense	B misdemeanor	No change
579.155 / 577.628	Possession of prescription medicine by person less than 21 years of age on public/private school property or school bus - 2nd offense	B misdemeanor	No change
579.155 / 577.628	Possession of prescription medicine by person less than 21 years of age on public/private school property or school bus - 1st offense	C misdemeanor	No change